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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/609,030	06/26/2003	Viken Ohanesian	USP1.PAU.16.B	8377
23386	7590	01/04/2006	EXAMINER	
MYERS DAWES ANDRAS & SHERMAN, LLP 19900 MACARTHUR BLVD., SUITE 1150 IRVINE, CA 92612			AMIRI, NAHID	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 01/04/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/609,030

Applicant(s)

OHANESIAN, VIKEN

Examiner

Nahid Amiri

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17, 37, 38, and 43-46 is/are pending in the application.
- 4a) Of the above claim(s) 18-23, 29-32, 39-42 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11-17, 37, 38 and 43-52 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION**Response to Amendment**

In view of Applicant's Amendment received 31 January 2005, amendments to the claims have been entered. Claims 1-10, 24-28, and 33-36 are canceled. Claims 11-23, 29-32, 37-52 are pending. Claims 18-23, 29-32, and 39-42 stand withdrawn from further consideration.

Double Patenting

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 47-52 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 10 of U.S. Patent No. US Patent 6,719,277 B2 in view of US Patent No. D 453,847 S.

Claim 10 of US Patent No. 6,719,277 corresponds to claims 47-52 of instant claim, except the first and second integral thermoformed panels of '277 which defined in the disclosure as a three-dimensional front surfaces, constitutes the recitation of the first and second

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thermoformed panels having a first three-dimensional non-extrudable front surface three dimension of instant claim 1. Nevertheless, '847 teaches (Figs 6, 7) the first and second panel with three-dimensional front surfaces having a first masonry pattern, It would have been an obvious matter of design choice to provide the first and second panel with stone pattern, and/or rock pattern in order to create different motif. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide a third panel coupled to first panel and fourth panel coupled to second panel in order to created double sided panel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 11-12, 17, 37, 38, and 43-46 are rejected under 35 U.S.C. 103(a) as being unpatentable over Patent No. 6,487,824 B1 West et al.

In regard to claim 11: West et al. disclose a double-sided walls structure **10** (i.e., door) (Fig. 1) (column 4, lines 7-12) including a frame **14** having a first side and an opposite second side, a first thermoformed panels **24** coupled to the first side of the frame **14**, having a first three-dimensional, non-extrudable front surface and first rear surface substantially parallel to the second front surface, a second thermoformed panels **26** coupled to the second side of the frame **14**, having a first three-dimensional, non-extrudable front surface and second rear surface substantially parallel to the second front surface. West et al., do not disclose the first and second three-dimensional, front surfaces each resembles a masonry pattern. It would have been an obvious matter of design choice to provide the first and second panel with masonry pattern in order to create different motif, since applicant has not disclosed that specific design pattern solves any stated problem or is for any particular purpose except for having a different appearance, and it appears that the invention would perform equally well with West et al.'s

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invention. Applicant are reminded that it is the patentability of the product, not recited process steps, that is to be determined irrespective of whether only process steps are recited.

Accordingly, how the “thermoformed panel” is manufactured e.g. “non-extruded”, has been given no patentable weight.

In regard to claim 12: West et al., disclose (Fig. 1,) the frame 14 including at least a top horizontal beam 20, a bottom horizontal beam 22, a first vertical beam 16 and a second vertical beam 18.

In regard to claim 17: West et al., disclose (Fig. 1) the first rear surface having a first plurality of fat sections, the second rear surface having a first plurality of fat sections, the frame 14 is coupled to the first and second plurality of flat sections.

In regard to claims 37, 38, and 43-46: West et al., disclose the claimed invention except that the first and second front surface having a first and second brick pattern, stone pattern, and/or rock pattern. It would have been an obvious matter of design choice to provide the first and second panel with brick pattern stone pattern, and/or rock pattern in order to create different motif, since applicant has not disclosed that specific design pattern solves any stated problem or is for any particular purpose except for having a different appearance, and it appears that the invention would perform equally well with West et al.’s invention.

Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over West et al., as applied to claims 11-12, 17, 37, 38, and 43-46 above, and further in view of US Patent No. 3,271,919 Olton.

In regard to claim 15: West et al., disclose the claimed invention except having a side covers covering at least a portion of the perimeter. Olton teaches Fig. 1, a door having a perimeter with side covers 17 covering at least a portion of the perimeter. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide a door of West et al., with side covers as taught by Olton in order to cover the marginal side of front and rear side panel.

Claim 13, 14, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over West as applied to claims 11-12, 17, 37, 38, and 43-46 above, and further in view of US Patent No. 5,557,899 Dube et al.

In regard to claim 13: West et al., disclose the claimed invention except the support bar coupled to the to the top horizontal beam of the frame. Dube et al., teach (Fig. 1) (column 3, lines 32-36) a reinforcing member **8** coupled to the top horizontal beam **15** of the frame **11**. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the top horizontal frame of West et al., with support bar (reinforcing member) as taught by Dube et al., in order to interconnect all the frame members about the frame.

In regard to claim 14: West et al., disclose the claimed invention except that the support bar coupled to the to the bottom horizontal beam of the frame. Dube et al., teach (Fig. 1) (column 3, lines 32-36) a reinforcing member **8** coupled to the bottom horizontal beam **16** of the frame **11**. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the bottom horizontal frame of West et al., with support bar (reinforcing member) as taught by Dube et al., in order to interconnect all the frame members together.

In regard to claim 16: West et al., disclose the claimed invention except that a post couple to the frame. Dube et al., teach (Fig. 1) (column 3, lines 27-30) a post **19** coupled to the frame **11**. It would have been obvious to one of ordinary skill in the art at the time of invention was made to provide the frame of West et al., with a post as taught by Dube et al., in order to construct a rigid interlocked door structure which capable of resisting warping.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 47-52 are rejected under 35 U.S.C. 103(a) as being unpatentable over West et al., in view of US Patent No. 4,664,696 Bursk.

In regard to claims 47-52: West et al. disclose a double-sided walls structure **10 (i.e., door)** (Fig. 1) (column 4, lines 7-12) including a first thermoformed panel having a first three dimensional non-extruded surface and first rear surface which is a third thermoformed panel having a third three-dimensional non-extruded front surface substantially parallel to the first front surface, and coupled back-to-back to the first thermoformed panel. West does not disclose a second thermoformed panel disposed side-by-side with the first thermoformed panel and fourth panel coupled back-to-back to the second panel; the first, second, third and fourth panels having a front surface resembling a first and second masonry, brick, stone, or/and rock pattern; and a post disposed between the first and second panels. Bursk teaches (Fig. 1) a double sided outdoor having a second panel (22) disposed side-by-side with the first panel (21); and a post (25) disposed between the first and second doors (21, 22). It would have been an obvious to one ordinary skill in the art to provide the door of West et al. with a second door side-by-side with the first door and having a post between two doors as taught by Bursk in order to construct an outdoor double door with no gap between two doors. It would have been an obvious matter of design choice to provide the first, second, third, and fourth panels with masonry, brick, stone or/and rock pattern in order to create different motif, since applicant has not disclosed that specific design pattern solves any stated problem or is for any particular purpose except for having a different appearance, and it appears that the invention would perform equally well with West et al.'s invention. Applicant are reminded that it is the patentability of the product, not recited process steps, that is to be determined irrespective of whether only process steps are recited. Accordingly, how the "thermoformed panel" is manufactured e.g. "non-extruded", has been given no patentable weight.

Response to Arguments

Applicant's arguments with respect to claims 11-17, 37, and 38 have been considered but are moot in view of the new ground(s) of rejection.

Applicant argues that the door of West et al., '824 is not an outdoor wall structure and is limited for an indoor use and does not provide any motivation to form panels with masonry pattern. Further, applicant states that West et al., '824 disclose a door, and not a wall assembly. Examiner disagrees.

Examiner asserts that the door does, in fact, constitute a "wall structure". Further, the front door of a home clearly is considered an "outdoor" structure. Accordingly, no structural distinction is seen to exist between the door of West et al. '827 and the recited "wall structure" with the "outdoor" intended use recitation.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action, e.g. claim 1, lines 11-12, the limitation of "the first and second three-dimensional, non-extrudable front surfaces each resembles a masonry patter", was not claimed in original claimed invention. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nahid Amiri whose telephone number is (571) 272-8113. The examiner can normally be reached on 8:30-5:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on (571) 272-

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7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Nahid Amiri
Examiner
Art Unit 3679
December 22, 2005



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